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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,047	09/22/2003	Karen Holtzblatt	26000.0.1	7850
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BURNS & LEVINSON LLP 125 Summer Street Boston, MA 02110-1624			EXAMINER HO, HUY C	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,047

Applicant(s)

HOLTZBLATT ET AL.

Examiner

Huy C. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 08/20/2007, with respect to the rejection(s) of claim(s) 1-30 under *Martin et al.* (6,314,426) in view of *Ausems* (2003/0013483) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Martin et al.* (6,314,426) in view of *Ausems* (2003/0013483) and further in view of *Minard* (6,247,020).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (6,314,426), in view of Ausems (2003/0013483) and further in view of Minard (6,247,020).

Consider claim 1, Martin teaches an apparatus for navigating electronically through and retrieving related information comprising (see the abstract):

- a) a server storing information to be retrieved (see figure 1 number 10, col 4 lines 15-30);
- b) a communication device having (see figure 3):
 - i) at least one memory device capable of storing instructions and information from the server (col 4 lines 65-67, col 5 lines 1-47),
 - ii) a display (figure 3 number 30), and
 - iii) a control mechanism (figure 3 number 34);
- c) a communications link between the communication device and the server (figure 1, col 4 lines 15-30); and
- d) byte code instructions stored in the communications device memory device (see figure 3, col 10 lines 62-67, col 11 lines 1-6, col 15 lines 15-17), that
 - ii) establish at least one object comprising characters or graphics (col 9 lines 10-45, col 10 lines 3-12);
 - iii) either
 - (1) establish at least one object (col 9 lines 10-45, col 10 lines 3-12, col 11

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lines 50-67), in the at least one information pane; or

(2) display retrieved information (col 9 lines 10-45, col 10 lines 3-12, col 11

lines 50-67), in the at least one information pane;

iv) enable a user of the handheld communications device to select a pane;

v) enable a user of the communications device to select an object when the object is selected (col 11 lines 50-67, col 12 lines 50-60);

vi) retrieve from the server information related to a selected object (col 4 lines 65-67, col 5 lines 1-33); and

vii) displays the retrieved information (col 9 lines 10-45, col 10 lines 3-12, col 11 lines 50-67).

Martin does not show a handheld device. Ausems discloses a handheld device (see figures 1 and 2).

Since both Martin and Ausems teach information retrieving communication devices, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Martin teachings, and have a handheld device, taught by Ausems, to improve the user interface for a handheld communication device, as discussed by Ausems (see sections [1]-[13]).

Martin does not show an Object Browser, dividing the display into at least one navigation pane and at least one information pane. Minard discloses an Object Browser, dividing the display into at least one navigation pane and at least one information pane (see abstract, col 3 lines 20-50, the application browser, three panes).

Since both Martin and Minard teach information browsing communication devices, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Martin teachings, and have an Object Browser, dividing the display into at least one navigation pane and at least one information pane, taught by Minard, to improve the system with application browser user interface, as discussed by Minard (see col 1 lines 5-67, col 2 lines 1-67 and col 3 lines 1-15).

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Consider claim 9, In a handheld communication device having a display screen, a control mechanism through which a user interacts with the device, byte-code instructions enabling the device to respond to user interactions in accordance with the control mechanism, a communications link enabling the device to access information from a remote information base, and a storage system for storing data downloaded from the remote server, a method for displaying stored information about selected objects comprising the steps of (see the abstract, figures 1, 3):

a) displaying an Object, wherein the Object segments the display screen (col 4 lines 65-67, col 5 lines 1-33), comprising an area for displaying symbols that represent objects, and at least one information pane, comprising an area for displaying information about selected objects (col 9 lines 10-45, col 10 lines 3-12, col 11 lines 50-67);

b) selecting an object (see col 12 lines 25-60);

c) retrieving information corresponding to the selected object (col 4 lines 65-67, col 5 lines 1-33); and

d) displaying the information retrieved about the selected object (col 9 lines 10-45, col 10 lines 3-12, col 11 lines 50-67).

Martin does not show a handheld device. Ausems discloses a handheld device (see figures 1 and 2).

Since both Martin and Ausems teach information retrieving communication devices, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Martin teachings, and have a handheld device, taught by Ausems, to improve the user interface for a handheld communication device, as discussed by Ausems (see sections [1]-[13]).

Martin does not show an Object Browser, navigation pane and information pane. Minard discloses an Object Browser, navigation pane and information pane (see abstract, col 3 lines 20-50, the application browser, three panes).

Since both Martin and Minard teach information browsing communication devices, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Martin teachings, and have an Object Browser, dividing the display into at least one navigation

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pane and at least one information pane, taught by Minard, to improve the system with application browser user interface, as discussed by Minard (see col 1 lines 5-67, col 2 lines 1-67 and col 3 lines 1-15).

Consider claim 2, The apparatus of Claim 1, Martin further teaches the communications link between the portable handheld communication device and the server comprises a wireless telephone link (col 4 lines 15-30).

Consider claim 3, The apparatus of Claim 1 Martin, as modified by Ausems, teaches in which the communications link between the portable handheld communication device and the server comprises a mechanism for synchronization with a server (pars [42], [52] and [57], describing the PDA telephone downloads information from a remote server via a wireless communication means or by synchronization).

Consider claim 4, The apparatus of Claim 1 Martin, as modified by Ausems, teaches in which the control mechanism comprises a touch stylus or a plurality of buttons or a combination of touch stylus and a plurality of buttons (pars [56], [65]).

Consider claim 5, The apparatus of Claim 1 Martin; as modified by Ausems, further teaches wherein displayed information comprises at least one form of information selected from the group of audio, text, graphic, video, and animation (col 11 lines 50-60).

Consider claim 6, The apparatus of Claim 1 Martin, as modified by Ausems, teaches instructions that activate a screen area wherein a user can select objects in the activated screen area (pars [57], [66]).

Consider claim 7, The apparatus of Claim 1 Martin, as modified by Minard, teaches instructions that resize the size of the navigation and information panes upon activation of a designated portion of the control mechanism (col 10 lines 65-67).

Consider claim 8, The apparatus of Claim 1 Martin, as modified by Ausems, teaches:

a) means for determining whether the size of the information pane is large enough to adequately display information selected for display in the information pane ([10], [58]-[59], [66]);

b) means for displaying a part of the page of information (pars [71], [80]); and

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c) means for scrolling information that is displayed in response to user input to move the displayed area (pars [71], [80]).

Consider claim 10, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein information concerning a selected object is retrieved from the remote server ([57], [60]).

Consider claim 11, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein information concerning objects represented in the navigation pane is downloaded from the remote server and stored in the storage system of the handheld communication device ([2], [52], [57], [60]).

Consider claim 12, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein the handheld communication device accesses information from a remote server via synchronization with a personal computer and stores information in the storage system of the handheld communication device ([52], [57]).

Consider claim 13, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein information concerning a selected object is retrieved from the storage system of the handheld communication device ([48]).

Consider claim 14, The method of **Claim 9** Martin, as modified by Ausems, teaches additionally comprising the steps of:

- a) selecting an object displayed in an information pane ([57]);
- b) receiving user input indicating an open Object Browser operation ([49], [57], [67]);
- c) displaying a new Object Browser wherein the new Object Browser includes a navigation pane that displays symbols representing the selected object and other objects and an information pane that displays detailed information about the selected object (pars [14], [17], [50], [53]).

Consider claim 15, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein an object represents an event ([61]).

Consider claim 16, The method of **Claim 9** Martin, as modified by Ausems, teaches wherein the object represents an entity (par [15]).

Consider claim 17, The method of **Claim 9** Martin, as modified by Ausems, teaches wherein the object represents a category of events or entities (pars [15], [60]).

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Consider claim 18, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein the object represents a collection of events, entities, or categories (**pars [15]-[16], [60]**).

Consider claim 19, The method of **Claim 9** Martin, as modified by Minard, teaches wherein the Object Browser comprises at least two navigation panes (**see the abstract**).

Consider claim 20, The method of **Claim 9** Martin, as modified by Minard, teaches the step of activating instructions for resizing the navigation and information panes using the control mechanism (**col 10 lines 65-57**).

Consider claim 21, The method of **Claim 9** Martin, as modified by Ausems, teaches wherein a user selects an object with a key selection from a keyboard (**par [66]**).

Consider claim 22, The method of **Claim 9**, Martin, as modified by Ausems, teaches wherein a user opens an Object Browser by using a pointing device (**the abstract, [14], [37]**).

Consider claim 23, The method of **Claim 9** Martin, as modified by Ausems, teaches wherein a user opens an Object Browser by using a button (**pars [37], [56]**).

Consider claim 24, The method of **Claim 23** Martin, as modified by Ausems, further teaches wherein the button comprises one or more of: an up/down button, a two-way navigation button, or a four-way navigation button (**see figure 3 number 34**).

Consider claim 25, The method of **Claim 9** Martin, as modified by Ausems, further teaches wherein a user opens an Object Browser with a key selection from a keyboard (**col 17 lines 25-40**).

Consider claim 26, The method of **Claim 9** Martin, as modified by Ausems, teaches additionally comprising the step of activating a screen area wherein a user can traverse and select objects in the activated screen area (**figure 5, pars [66], [72]-[73]**).

Consider claim 27, The method of **Claim 26** Martin, as modified by Ausems, teaches wherein a screen area is automatically activated (**par [69]**).

Consider claim 28, The method of **Claim 26** Martin, as modified by Ausems, teaches wherein a user activates a screen area by using a soft key (**pars [2], [66]**).

Consider claim 29, The method of **Claim 26** Martin, as modified by Ausems, teaches wherein a user activates a screen area by depressing a button (**pars [37], [56]**).

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Consider claim 30, The method of Claim 26 Martin, as modified by Ausems, further teaches wherein a user activates a screen area with a key selection from a keyboard (col 17 lines 25-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy C. Ho whose telephone number is (571) 270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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